RN102405321; RN102459492; RN100535699; RN101948875; and RN100217603

Docket No. 2011-0699-PST-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

PST

Small Business:

No

Location(s) Where Violation(s) Occurred:

Facility 1 – PWE - Northeast Maintenance Facility, RN102405321, located at 5500 North McCarty Street, Houston, Harris County;

Facility 2 - PWE Fleet Maintenance Facility Gillette West, RN102459492, located at 801 Gillette Street, Houston, Harris County;

Facility 3 - SWM - SW Service Center, RN100535699, located at 11500 South Post Oak Road, Houston, Harris County;

Facility 4 - PWE - Wastewater Japhet, RN101948875, located at 100 Japhet Street, Houston, Harris County; and

Facility 5 - PWE - WWTP 69th Street, RN100217603, located at 2525 Staff Sergeant Macario Garcia Drive, Houston, Harris County.

Type of Operation:

Fleet service facilities

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: September 30, 2011

Comments Received: No

Penalty Information

Total Penalty Assessed: \$14,475

Amount Deferred for Expedited Settlement: \$2,895 Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$11,580

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Facility 1, RN102405321 Person/CN - Average Site/RN - Average

RN102405321; RN102459492; RN100535699; RN101948875; and RN100217603 Docket No. 2011-0699-PST-E

Compliance History Classifications:

Facility 2, RN102459492 Person/CN - Average Site/RN - Average

Compliance History Classifications:

Facility 3, RN100535699 Person/CN - Average Site/RN - Average by Default

Compliance History Classifications:

Facility 4, RN101948875 Person/CN - Average Site/RN - High

Compliance History Classifications:

Facility 5, RN100217603 Person/CN - Average Site/RN - Average

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

Investigation Information

Complaint Date(s): N/A Complaint Information: N/A

Date(s) of Investigation: August 3, 2010; April 28, 2011; May 7, 2011; and May 8,

2011

Date(s) of NOE(s): April 26, 2011; April 28, 2011; May 7, 2011; and May 8, 2011

Violation Information

At Facility 1:

- 1. Failed to monitor underground storage tanks ("USTs") for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring) [30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1)].
- 2. Failed to provide proper release detection for the product piping associated with the UST system [30 Tex. Admin. Code § 334.50(b)(2) and Tex. Water Code § 26.3475(a)].

At Facility 2:

1. Failed to monitor USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring) [30 Tex. Admin. Code § 334.50(b)(1)(A) and Tex. Water Code § 26.3475(c)(1)].

RN102405321; RN102459492; RN100535699; RN101948875; and RN100217603 Docket No. 2011-0699-PST-E

At Facility 3:

1. Failed to monitor USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring) [30 Tex. Admin. Code § 334.50(b)(1)(A) and Tex. Water Code § 26.3475(c)(1)].

At Facility 4:

1. Failed to monitor USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring) [30 Tex. ADMIN. CODE § 334.50(b)(1)(A) and Tex. Water Code § 26.3475(c)(1)].

At Facility 5:

- 1. Failed to monitor USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring) [30 Tex. Admin. Code § 334.50(b)(1)(A) and Tex. Water Code § 26.3475(c)(1)].
- 2. Failed to provide proper release detection for the product piping associated with the UST system [30 Tex. Admin. Code § 334.50(b)(2) and Tex. Water Code § 26.3475(a)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Executive Director recognizes that the Respondent temporarily removed the USTs from service at Facility 2 on December 30, 2010.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:
- i. Install and implement a release detection method for the USTs at Facilities 1, 3, 4 and 5;
- ii. Install and implement a release detection method for the piping associated with the USTs at Facilities 1 and 5; and
- b. Within 45 days, submit written certification demonstrating compliance.

Litigation Information

Date Petition(s) Filed: N/A

RN102405321; RN102459492; RN100535699; RN101948875; and RN100217603

Docket No. 2011-0699-PST-E

Date Answer(s) Filed: N/A SOAH Referral Date: N/A Hearing Date(s): N/A Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A

TCEO Enforcement Coordinator: Wallace Myers, Enforcement Division,

Enforcement Team 7, MC 128, (512) 239-6580; Debra Barber, Enforcement Division,

MC 219, (512) 239-0412

TCEQ SEP Coordinator: N/A

Respondent: Gabriel Mussio, Division Manager, City of Houston, P.O. Box 1562,

Houston, Texas 77251

Respondent's Attorney: N/A

Penalty Calculation Worksheet (PCW) Policy Revision 2 (September 2002) PCW Revision October 30, 2008 Assigned 2-May-2011 PCW 9-May-2011 Screening 6-May-2011 **EPA Due** RESPONDENT/FACILITY INFORMATION Respondent City of Houston ("Facility 1 Reg. Ent. Ref. No. RN102405321 Facility/Site Region 12-Houston Major/Minor Source Minor CASE INFORMATION Enf./Case ID No. 41599 No. of Violations Docket No. 2011-0699-PST-E Order Type 1660 Government/Non-Profit Yes Media Program(s) Petroleum Storage Tank Multi-Media Enf. Coordinator Wallace Myers EC's Team Enforcement Team 7 Admin. Penalty \$ Limit Minimum Maximum \$10,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) \$2,500 Subtotal 1 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. **Compliance History** \$50 2.0% Enhancement Subtotals 2, 3, & 7 Enhancement for one previous NOV with dissimilar violations. Notes Culpability No 0.0% Enhancement Subtotal 4 \$0 The Respondent does not meet the culpability criteria. Notes Good Faith Effort to Comply Total Adjustments Subtotal 5 \$0 **Economic Benefit** 0.0% Enhancement* Subtotal 6 \$0 Total EB Amounts *Capped at the Total EB \$ Amount \$191 Approx. Cost of Compliance \$1.618 SUM OF SUBTOTALS 1-7 \$2,550 Final Subtotal OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% **\$0**

Final Penalty Amount

Final Assessed Penalty

Adjustment

Reduction

20.0%

20 for 20% reduction.)

Deferral offered for expedited settlement.

\$2,550

\$2,550

-\$510

\$2,040

Reduces or enhances the Final Subtotal by the indicated percentage.

STATUTORY LIMIT ADJUSTMENT

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g.

Notes

Notes

PAYABLE PENALTY

DEFERRAL

Screening Date 6-May-2011

Docket No. 2011-0699-PST-E

PCW

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Respondent City of Houston ("Facility 1")

Case ID No. 41599

Reg. Ent. Reference No. RN102405321

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Wallace Myers

Component		Enter Number	<i>г неге</i>	Adjust
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0		0%
	Other written NOVs	1		2%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0		0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0		0%
Judgments and Consent	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0		0%
Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0		0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0		0%
Emissions	Chronic excessive emissions events (number of events)	0		0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0		0%
Aumo	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0		0%
		ase Enter Yes	or No	
	Environmental management systems in place for one year or more	No		0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No		0%
	Participation in a voluntary pollution reduction program	No		0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No		0%
*	Adjustment Pere	centage (Subt	otal 2)
at Violator (Subtotal 3)			
No	Adjustment Per	centage (Subt	otal 3)
liance Histo	ry Person Classification (Subtotal 7)			
Average Pe	rformer Adjustment Pero	centage (Subt	otal 7)
liance Histo	ry Summary			
Compliance History Notes	Enhancement for one previous NOV with dissimilar violations,	333		

Screening Date		Docket No. 201	1-0699-PST-E	PCW
Respondent Case ID No.	City of Houston ("Facility 1")			y Revision 2 (September 2002)
Reg. Ent. Reference No.		1. A.	<i>P</i>	PCW Revision October 30, 2008
	Petroleum Storage Tank			
Enf. Coordinator	Wallace Myers		The second of the second	
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 3	34.50(b)(1)(A) and (b)(2) a	and Tex. Water Code §	5
		26.3475(a) and (c)(1)		
	Failed to monitor undergrou of at least once every mont			
Violation Description	Also, failed to provide prope			
		with the UST system.		
			Base Per	nalty \$10,00
	5 - C- C			111111111111111111111111111111111111111
Environmental, Proper		Matrix		
Release	Harm Major Moderate	Minor		
R Actual				
Potential	[x]	Per	cent 25%	
Programmatic Matrix				
Falsification	Major Moderate	Minor		
			cent 0%	o de stalista de la compansión de la compa
Matrix Human health	or the environment will or cou	uld be exposed to pollutants	which would exceed b	evels
3888888888 18 00 4 4 4 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5	otective of human health or e	化分离 化双氯化物 医克拉特氏 医克尔特氏 医基克特氏术 化自己自己自己自己自己 医克克氏病 医水杨基氏病 医二乙基	ANA RANG RANGE NAMED OF CONTROL OF THE CONTROL OF T	# H
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		Adjust	ment \$7	7,500
				10.50
				\$2,50
lation Events				
Number of V	/iolation Events 1	8 Nun	nber of violation days	
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	weekly			
mark only one	monthly x			
with an x	quarterly semiannual		Violation Base Per	nalty \$2,50
	annual			
	single event			
[-				
One monthly e	event is recommended based i	on documentation of the vic	lation during the April	28,
	2011 record review to	the May 6, 2011 screening (date.	
				المستسندة
d Faith Efforts to Comp		Reduction		\$
	Extraordinary Before NOV	NOV to EDPRP/Settlement Offer		
	Ordinary N/A x	(mark with x)		
	Notes The Responde	ent does not meet the good	faith criteria for	
		this violation.		
			Violation Subt	total \$2,50
nomic Benefit (EB) for	this violation	Sta	itutory Limit Tes	t
			e anno man in talan mendalah an mananakan dan mendalah mendalah mendalah mendalah mendalah mendalah mendalah men	
Estimate	ed EB Amount	\$191] Viola	ition Final Penalty T	otal \$2,550
	This viola	tion Final Assessed Pena	lty (adjusted for lim	nits) \$2,550

washari

"Facility 1") ge Tank ate Required	Benefit Final Date			Percent Interest 5.0 Onetime Costs \$0 \$0 \$0 \$0	Years of Depreciation 15 EB Amount \$0 \$0 \$0
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ate Required	Final Date	0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0	5.0 Onetime Costs \$0	Depreciation 15 EB Amount \$0 \$0 \$0 \$0
ate Required	Final Date	0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0	5.0 Onetime Costs \$0	\$0 \$0 \$0 \$0 \$0
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28-Apr-2011		0.00 0.00 0.00 0.00	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0
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28-Apr-2011		0.00			
28-Apr-2011					<u>\$0</u>
28-Apr-2011			\$0 \$0	n/a n/a	\$0 \$0
28-Apr-2011	<u> </u>	0.00	\$0 \$0	n/a	\$0 \$0
28-Apr-2011		0.00	\$0 \$0	n/a	<u>50</u> \$0
28-Apr-2011		0.00	\$0 \$0	n/a	\$0 \$0
	20-Feb-2012	0.82	\$61	n/a	\$61
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		0.00	\$0	\$0	\$0
		0.00	\$0	\$0	\$0
		0.00	\$0	\$0	\$0
	28-Apr-2011				\$129
28-Apr-2010		0.00		\$0	\$0
Ē		[1] avoided costs before	[1] avoided costs before entering 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.	[1] avoided costs before entering item (except of the cost) and the cost of th	0.00 \$0 \$0 0.00 \$0 \$0 0.00 \$0 \$0 0.00 \$0 \$0 0.00 \$0 \$0 8-Apr-2010 28-Apr-2011 1.92 \$11 \$118

Penalty Calculation Worksheet (PCW) Policy Revision 2 (September 2002) PCW Revision October 30, 2008 Assigned 2-May-2011 Screening 6-May-2011 PCW 10-May-2011 **EPA Due** RESPONDENT/FACILITY INFORMATION Respondent City of Houston ("Facility Reg. Ent. Ref. No. RN102459492 Facility/Site Region 12-Houston Major/Minor Source Minor **CASE INFORMATION** Enf./Case ID No. 41599 No. of Violations 1 Docket No. 2011-0699-PST-E Order Type 1660 Media Program(s) Petroleum Storage Tank Government/Non-Profit Yes Multi-Media Enf. Coordinator Wallace Myers EC's Team Enforcement Team Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) \$5,000 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. Compliance History 2.0% Enhancement Subtotals 2, 3, & 7 \$100 Enhancement for one previous NOV with dissimilar violations. Notes 0.0% Enhancement Culpability No Subtotal 4 \$0 The Respondent does not meet the culpability criteria. Notes Good Faith Effort to Comply Total Adjustments Subtotal 5 \$1,250 Economic Benefit 0.0% Enhancement* Subtotal 6 \$0 Total EB Amounts *Capped at the Total EB \$ Amount \$31 Approx. Cost of Compliance SUM OF SUBTOTALS 1-7 Final Subtotal \$3,850 OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment \$0 Reduces or enhances the Final Subtotal by the indicated percentage.

Final Penalty Amount

Final Assessed Penalty

Reduction

20.0%

Deferral offered for expedited settlement.

\$3,850

\$3,850

-\$770

\$3,080

Notes

Notes

PAYABLE PENALTY

STATUTORY LIMIT ADJUSTMENT

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g.

Policy Revision 2 (September 2002)

and the second sections

PCW Revision October 30, 2008

Screening Date 6-May-2011

Docket No. 2011-0699-PST-E

Respondent City of Houston ("Facility 2")

Case ID No. 41599

Reg. Ent. Reference No. RN102459492

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Wallace Myers

NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0		0%	
NOVS	Other written NOVs	1		2%	1
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0		0%	
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0		0%	
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0		0%	
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0		0%	
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0		0%	
Emissions	Chronic excessive emissions events (number of events)	0,		0%	
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0		0%	
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0		0%	
	Ple.	ase Enter Yes	or No		1
	Environmental management systems in place for one year or more	No		0%	
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No		0%	
	Participation in a voluntary pollution reduction program	No		0%	
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No		0%	
	Adjustment Perd	centage	(Subt	otal 2)	2
eat Violator (No		centage i	(Subt	otal 3)	Г <u>о</u> ʻ
	pry Person Classification (Subtotal 7)				
Average Pe		centage	(Subt	otal 7)	0'
npliance Histo	ry Summary				
Compliance History Notes	Enhancement for one previous NOV with dissimilar violations.	4			

Screening Date	\$ • • • • • • • • • • • • • • • • • • •	Docket No. 2011-0699-PS		PCW	
Case ID No.	City of Houston ("Facility 2") 41599		*	2 (September 2002) on October 30, 2008	
Reg. Ent. Reference No.	d .	A service agencial	er i de la magnetica	, in	
Media [Statute] Enf. Coordinator	Petroleum Storage Tank Wallace Myers		in a supplier of the second of		
Violation Number					
Rule Cite(s)	30 Tex. Admin. Code § 33	34.50(b)(1)(A) and Tex. Water Code § 2	6.3475(c)(1)	·	telle and the second
				Indefende	
Violation Description	Failed to monitor USTs for	releases at a frequency of at least once	every month	TO THE STATE OF TH	
	(not to exce	eed 35 days between each monitoring).		- Internation	
				ACCOUNTED TO	
			Base Penalty	\$10,000	
	at., -, -, at 10, ,,, 10, 141-	v	-		
>> Environmental, Proper	ty and numan nearth Harm	Matrix			I I I S
Release OR Actual		Minor			
Potential	<u> </u>	Percent	25%		Ŧ.
		-			
>>Programmatic Matrix Falsification	Major Moderate	Minor	History of the		
		Percent	0%		
					. 4
		ould be exposed to pollutants which woul environmental receptors as a result of the			
Notes that are p	Occure of Hamai Health of e	environmenta receptors as a result of u	ie violation.	e:	
		Adjustment	\$7,500		
		•		+2 500	
			<u>L</u>	\$2,500	
Violation Events				3173	
Number of \	Violation Events 2	149 Number of viola	ation days	2	
	daily weekly				
mark only one	monthly				4
with an x	quarterly x semiannual	Violation	Base Penalty	\$5,000	h-1 -
	annual		<u> </u>		
	single event		÷		
Two guarts	arly avents are recommended	based on documentation of the violation	a during the		
#1111111111111111111111111111111111111		the December 30, 2010 compliance da	1999 C. P. C.		
Good Faith Efforts to Com	***************************************	1		\$1,250	1.14 1 559
	Extraordinary Before NOV	NOV to EDPRP/Settlement Offer			2 - 1 - 2 - 2 - 2
	Ordinary x			out of the contract of the con	
	N/A	(mark with x)			
		lent came into compliance on December	30,		
	2010 pri	or to the NOE issued on April 26, 2011.		www.com	
		Viola	ation Subtotal	\$3,750	
				43,730	
Economic Benefit (EB) for	this violation	Statutory L	imit Test		A
Estimate	ed EB Amount	\$31 Violation Final	Penalty Total	\$3,850	
	This viol	ation Final Assessed Penalty (adjust	ted for limits)	\$3,850	
		, , ,	,	7=1===	

Same of

	E.	conomic	Deneni,	VVO	IKSHEEL		
Respondent				*************			
Case ID No.		(,,					
Rea. Ent. Reference No.		•	pr v		A STATE OF THE STA	i a i i gigi a congressor i	
	Petroleum Sto						Years of
Violation No.		rage rank				Percent Interest	Depreciation
Violation No.	L						
						5.0	15
		Date Required	Final Date	YFS	Interest Saveo	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Delayeu Costs Equipment	l	T 1		0.00	\$0	\$0	\$0
Buildings	 	1		0.00	<u> </u>	\$0	\$0
Other (as needed)			*******	0.00	\$0	\$0	\$0
Engineering/construction		1		0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
				0.00	\$0	n/a	\$0
i raining / Sampling							
Training/Sampling Remediation/Disposal				0.00	\$0	n/a	\$0
Training/Sampling Remediation/Disposal Permit Costs				0.00	\$0 \$0	n/a n/a	\$0 \$0
Remediation/Disposal	\$1.500	3-Aug-2010	30-Dec-2010	0.00 0.41	\$0 \$31	n/a n/a	\$0 \$31
Remediation/Disposal Permit Costs	Estimated co	ost to provide rele the inves	ase detection fo tigation and the	0.00 0.41 or the U	\$0 \$31 JSTs at the Facility date is the date of	n/a n/a /. The date required compliance.	\$0 \$31 is the date of
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs	Estimated co	ost to provide rele the inves	ase detection fo tigation and the	0.00 0.41 or the Ue final c	\$0 \$31 JSTs at the Facility date is the date of ng item (except	n/a n/a /. The date required compliance. for one-time avoid	\$0 \$31 is the date of ded costs)
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	Estimated co	ost to provide rele the inves	ase detection fo tigation and the	0.00 0.41 or the Ue final defination	\$0 \$31 JSTs at the Facility date is the date of ng item (except \$0	n/a n/a /. The date required compliance. for one-time avoid	\$0 \$31 Is the date of ded costs)
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated co	ost to provide rele the inves	ase detection fo tigation and the	0.00 0.41 or the Ue final of enterin 0.00 0.00	\$0 \$31 USTs at the Facility date is the date of ng item (except \$0 \$0	n/a n/a /. The date required compliance. for one-time avoid \$0 \$0	\$0 \$31 is the date of ded costs) \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel aspection/Reporting/Sampling	Estimated co	ost to provide rele the inves	ase detection fo tigation and the	0.00 0.41 or the Ue final of enterin 0.00 0.00 0.00	\$0 \$31 USTs at the Facility date is the date of ing item (except \$0 \$0 \$0	n/a n/a 7. The date required compliance. for one-time avoid \$0 \$0 \$0 \$0	\$0 \$31 is the date of ded costs) \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel aspection/Reporting/Sampling Supplies/equipment	Estimated co	ost to provide rele the inves	ase detection fo tigation and the	0.00 0.41 or the Ue final of enterin 0.00 0.00 0.00	\$0 \$31 USTs at the Facility date is the date of ng item (except \$0 \$0 \$0 \$0	n/a n/a 7. The date required compliance. for one-time avoid \$0 \$0 \$0 \$0 \$0	\$0 \$31 Is the date of ded costs) \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated co	ost to provide rele the inves	ase detection fo tigation and the	0.00 0.41 or the Ue final centerin 0.00 0.00 0.00 0.00	\$0 \$31 USTs at the Facility date is the date of ing item (except \$0 \$0 \$0 \$0 \$0	n/a n/a /. The date required compliance. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$31 Is the date of ded costs) \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated co	ost to provide rele the inves	ase detection fo tigation and the	0.00 0.41 or the Ue final control of the Ue final co	\$0 \$31 USTs at the Facility date is the date of ng item (except \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a /. The date required compliance. for one-time avoid	\$0 \$31 Is the date of ded costs) \$0 \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated co	ost to provide rele the inves	ase detection fo tigation and the	0.00 0.41 or the Ue final centerin 0.00 0.00 0.00 0.00	\$0 \$31 USTs at the Facility date is the date of ing item (except \$0 \$0 \$0 \$0 \$0	n/a n/a /. The date required compliance. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$31 Is the date of ded costs) \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel aspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated co	ost to provide rele the inves	ase detection fo tigation and the	0.00 0.41 or the Ue final control of the Ue final co	\$0 \$31 USTs at the Facility date is the date of ng item (except \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a /. The date required compliance. for one-time avoid	\$0 \$31 Is the date of ded costs) \$0 \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated co	ost to provide rele the inves	ase detection fo tigation and the	0.00 0.41 or the Ue final control of the Ue final co	\$0 \$31 USTs at the Facility date is the date of ng item (except \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a /. The date required compliance. for one-time avoid	\$0 \$31 Is the date of ded costs) \$0 \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated co	ost to provide rele the inves	ase detection fo tigation and the	0.00 0.41 or the Ue final control of the Ue final co	\$0 \$31 USTs at the Facility date is the date of ng item (except \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a /. The date required compliance. for one-time avoid	\$0 \$31 Is the date of ded costs) \$0 \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated co	ost to provide rele the inves	ase detection fo tigation and the	0.00 0.41 or the Ue final control of the Ue final co	\$0 \$31 USTs at the Facility date is the date of ng item (except \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a /. The date required compliance. for one-time avoid	\$0 \$31 Is the date of ded costs) \$0 \$0 \$0 \$0 \$0

Penalty Calculation Worksheet (PCW) Policy Revision 2 (September 2002) PCW Revision October 30, 2008 DATES Assigned 16-May-2011 PCW 23-May-2011 Screening 20-May-2011 **EPA Due** RESPONDENT/FACILITY INFORMATION Respondent City of Houston ("Facility 3" Reg. Ent. Ref. No. RN100535699 Facility/Site Region 12-Houston Major/Minor Source Minor **CASE INFORMATION** Enf./Case ID No. 41599 No. of Violations 1 Docket No. 2011-0699-PST-E Order Type 1660 Media Program(s) Petroleum Storage Tank Government/Non-Profit Yes Multi-Media Enf. Coordinator Wallace Myers EC's Team Enforcement Team 7 Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$2,500 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. **Compliance History** 0.0% Enhancement Subtotals 2, 3, & 7 \$0 Notes No adjustment for compliance history. 0.0% Enhancement Subtotal 4 Culpability No \$0 The Respondent does not meet the culpability criteria. Good Faith Effort to Comply Total Adjustments Subtotal 5 \$0 **Economic Benefit** 0.0% Enhancement* Subtotal 6 \$0 Total EB Amounts Capped at the Total EB \$ Amount \$59 Approx. Cost of Compliance SUM OF SUBTOTALS 1-7 \$2,500 Final Subtotal OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% Adjustment \$0 Reduces or enhances the Final Subtotal by the indicated percentage. Notes Final Penalty Amount \$2,500 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$2,500

Deferral offered for expedited settlement.

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g.

Notes

PAYABLE PENALTY

20.0%

Reduction

Adjustment

-\$500

\$2,000

Screening Date 20-May-2011

Docket No. 2011-0699-PST-E

PCW

Policy Revision 2 (September 2002)
PCW Revision October 30, 2008

SANDA TURBER BATT

Respondent City of Houston ("Facility 3")

Case ID No. 41599

Reg. Ent. Reference No. RN100535699

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Wallace Myers

Compliance History Worksheet
>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
Decrees	Any adjudicated final court judgments and default judgments, or non- adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)		0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	Ple	ease Enter Yes or No	,
	Environmental management systems in place for one year or more	No	0% -
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
======================================	Adjustment Per	centage (Sul	ototal 2)
at Violator (1 No	Adjustment Per	centage (Sul	ototal 3)
	ry Person Classification (Subtotal 7)		
Average Pe	rformer Adjustment Per	centage (Sul	ototal 7)
pliance Histo	ry Summary		
Compliance History Notes	No adjustment for compliance history.		
	Total Adjustment Percentage (S	Subtatala 2	2 2 71

Screening Date 20-May-2011 Docket No. 2011-0699-PST-E	PCW
Respondent City of Houston ("Facility 3") Case ID No. 41599	licy Revision 2 (September 2002) PCW Revision October 30, 2008
Reg. Ent. Reference No. RN100535699	rew Revision October 50, 2008
Media [Statute] Petroleum Storage Tank	. 12
Enf. Coordinator Wallace Myers Violation Number	
Rule Cite(s)	<u> </u>
30 Tex. Admin. Code § 334.50(b)(1)(A) and Tex. Water Code § 26.3475(c)(1)
	54454114655 4411114145
Violation Description Failed to monitor USTs for releases at a frequency of at least once every m (not to exceed 35 days between each monitoring).	onth
yiot o exceed 33 days between each monitoring);	
Base Po	enalty \$10,000
>> Environmental, Property and Human Health Matrix Harm	
Release Major Moderate Minor	
OR Actual Potential X Percent 25%	
Potential 25%	
>>Programmatic Matrix	
Falsification Major Moderate Minor Percent 0%	
Committee Indiana Indi	and the second second
Matrix Human health or the environment will or could be exposed to pollutants which would exceed	Havale
Notes that are protective of human health or environmental receptors as a result of the violatic	
Adjustment	7,500
	\$2,500
	<u> </u>
Violation Events	
Number of Violation Events 1 13 Number of violation days	S
	· · · · · · · · · · · · · · · · · · ·
daily daily weekly	
monthly	VIOLENCE CONTRACTOR CO
mark only one with an x Violation Base Pe	enalty \$2,500
semiannual annual	***************************************
single event	
One monthly event is recommended based on documentation of the violation during the Ma	эу 7,
2011 record review to the May 20, 2011 screening date.	
Good Faith Efforts to Comply 0.0% Reduction	#0
Good Faith Efforts to Comply 0.0% Reduction Before NOV NOV to EDPRP/Settlement Offer	\$0
Extraordinary	
Ordinary	***************************************
N/A (mark with x)	
Notes The Respondent does not meet the good faith criteria for	
this violation.	NA CALLANDA
Violation Sul	btotal \$2,500
Economic Benefit (EB) for this violation Statutory Limit Te	st
Estimated EB Amount \$59 Violation Final Penalty	Total \$2,500
This violation Final Assessed Penalty (adjusted for li	
Tins violation i mai Assessed Femalty (dujusted for in	inica) [\$2,300]

Media Violation No.	Petroleum Sto	rage Tank			Tagler To the Egy	Percent Interest	Years of Depreciation
Violation No.	1				- 1 1	5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delaved Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	<u>\$0</u>
Remediation/Disposal				0.00	\$0	n/a	\$0
	\$1.500 Estimated o	7-May-2011		0.00 0.00 0.79	\$0 \$0 \$59	n/a n/a n/a	\$0 \$0 \$59
Remediation/Disposal Permit Costs		ost to provide rele	ease detection f	0.00 0.00 0.79 or the U	\$0 \$0 \$59	n/a n/a n/a n/a late required is the	\$0 \$0 \$59
Remediation/Disposal Permit Costs Other (as needed)	Estimated o	ost to provide rele date an	ease detection for the date	0.00 0.00 0.79 or the Use the e	\$0 \$0 \$59 UST system. The cestimated date of a	n/a n/a n/a late required is the compliance. for one-time avoid	\$0 \$0 \$59 record review ded costs)
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	Estimated o	ost to provide rele date an	ease detection for the date	0.00 0.00 0.79 or the t is the e	\$0 \$0 \$59 UST system. The castimated date of a stimated date of a stimated date of a stimated that so	n/a n/a n/a n/a late required is the compliance. for one-time avoid	\$0 \$0 \$59 record review ded costs)
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated o	ost to provide rele date an	ease detection for the date	0.00 0.00 0.79 or the l is the e enterin 0.00 0.00	\$0 \$0 \$59 JST system. The castimated date of a significant (except \$0 \$0 \$0	n/a n/a n/a n/a late required is the compliance. for one-time avoid \$0 \$0	\$0 \$0 \$59 record review ded costs) \$0.
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel pection/Reporting/Sampling	Estimated o	ost to provide rele date an	ease detection for the date	0.00 0.00 0.79 or the t is the 6 enterin 0.00 0.00	\$0 \$0 \$59 JST system. The cestimated date of each of the system (except \$0 \$0 \$0	n/a n/a n/a n/a late required is the compliance. for one-time avoides \$0 4 \$0 \$0	\$0 \$59 record review ded costs) \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel pection/Reporting/Sampling Supplies/equipment	Estimated o	ost to provide rele date an	ease detection for the date	0.00 0.00 0.79 or the Us is the 6 enterin 0.00 0.00 0.00	\$0 \$0 \$59 UST system. The control of the stimated date of the stimated	n/a n/a n/a n/a n/a late required is the compliance. for one-time avoid so	\$0 \$59 record review ded costs) \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated o	ost to provide rele date an	ease detection for the date	0.00 0.00 0.79 or the Use the Extended Control of the	\$0 \$0 \$59 UST system. The constituted date of the stimated date of the	n/a n/a n/a n/a late required is the compliance. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$59 record review ded costs) \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel pection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated o	ost to provide rele date an	ease detection for the date	0.00 0.00 0.79 or the Use the entering 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$59 UST system. The constituted date of the stimated date of the	n/a n/a n/a n/a n/a late required is the compliance. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$59 record review ded costs) \$0 \$0 \$0 \$0 \$0 \$0
Remediation/Disposal Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated o	ost to provide rele date an	ease detection for the date	0.00 0.00 0.79 or the Use the Extended Control of the	\$0 \$0 \$59 UST system. The constituted date of the stimated date of the	n/a n/a n/a n/a late required is the compliance. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$59 record review ded costs) \$0 \$0 \$0 \$0

Penalty Calculation Worksheet (PCW) Policy Revision 2 (September 2002) PCW Revision October 30, 2008 DATES Assigned 16-May-2011 Screening 20-May-2011 PCW 23-May-2011 **EPA Due** RESPONDENT/FACILITY INFORMATION Respondent City of Houston ("Facility 4" Reg. Ent. Ref. No. RN101948875 Facility/Site Region 12-Houston Major/Minor Source Minor CASE INFORMATION Enf./Case ID No. 41599 No. of Violations 1 Docket No. 2011-0699-PST-E Order Type 1660 Media Program(s) Petroleum Storage Tank Government/Non-Profit Yes Multi-Media Enf. Coordinator Wallace Myers EC's Team Enforcement Team 7 Admin. Penalty \$ Limit Minimum Maximum \$10,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) \$2,500 Subtotal 1 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. Compliance History Subtotals 2, 3, & 7 0.0% Enhancement \$0 No adjustment for compliance history. Notes Culpability No 0.0% Enhancement Subtotal 4 \$0 The Respondent does not meet the culpability criteria. Notes Good Faith Effort to Comply Total Adjustments Subtotal 5 \$0 **Economic Benefit** 0.0% Enhancement* Subtotal 6 \$0 Total EB Amounts *Capped at the Total EB \$ Amount \$59 Approx. Cost of Compliance \$1,500 SUM OF SUBTOTALS 1-7 \$2,500 OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% \$0 Reduces or enhances the Final Subtotal by the indicated percentage.

Final Penalty Amount

Final Assessed Penalty

Reduction Adjustment

20.0%

\$2,500

\$2,500

-\$500

\$2,000

Notes

Notes

PAYABLE PENALTY

DEFERRAL

STATUTORY LIMIT ADJUSTMENT

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Deferral offered for expedited settlement.

Screening Date 20-May-2011

Docket No. 2011-0699-PST-E

PCW

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Respondent City of Houston ("Facility 4")

Case ID No. 41599

Reg. Ent. Reference No. RN101948875

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Wallace Myers

liance Histo omponent	Number of	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	a	0%
Judgments and Consent	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	Ple	ase Enter Yes or No	T
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment Per	centage (Sub	total 2)
nt Violator (No	Subtotal 3) Adjustment Per	rentane (Sub	total 3)
	ry Person Classification (Subtotal 7)	centage (Sub	total 3)
Average Pe	rformer Adjustment Per	centage (Sub	total 7)
liance Histo	ry Summary		
Compliance History Notes	No adjustment for compliance history.		
	Total Adjustment Percentage (S	mannen erik de en en en erik er en en erik er en en erik er en en erik erik erik erik erik erik erik erik	

Screening Date	B		No. 2011-0699-PS		PCW
Respondent Case ID No.	City of Houston ("Facility	4")			ion 2 (September 2002) vision October 30, 2008
Reg. Ent. Reference No.				ase the initial	Page 4
	Petroleum Storage Tank			ing a second	* 1
Enf. Coordinator Violation Number	Transmission of the last of th			.381.	
Rule Cite(s)					
,	30 Tex. Admin. Code	§ 334.50(b)(1)(A) and	Tex. Water Code § .	26.3475(c)(1)	
	Failed to monitor USTs	for releases at a frequ	ency of at least once	e every month	
Violation Description		exceed 35 days betwee			
	L				
				Base Penalty	\$10,000
Environmental, Proper	rty and Human Hea	Ith Matrix			L
Release	Harm	1			
R Actua		TE MINO		ASIA	
Potentia	X		Percent	25%	
Programmatic Matrix					
Falsification	Major M odera	ite Minor			ia.
			Percent	0%	·
	or the environment will or rotective of human health				
Wolces Character		ar companience			. 2018.58 un 248
			Adjustment	\$7,500	
	·	040000000000000000000000000000000000000	**************************************		+2 500
				3	\$2,500
ation Events					
Number of	Violation Events 1		.3 Number of vio	lation days	
	•		observation of the state of the	,	
	daily weekly				
	monthly x				
mark only one with an x	quarterly		Violatio	n Base Penalty	\$2,500
	semiannual annual				
	single event				
Billio Bi					
One monthly	event is recommended b		11.11.11.11.11.11.1.1.1.1.1.1.1.1.1.1.	ing the May 7,	
	2011 record reviev	w to the May 20, 2011	screening date.		
d Faith Efforts to Com	nby 0	0% Reduction			\$0
a raim Enores to Com	Before N		nent Offer	l	φ (
	Extraordinary				
	Ordinary	(mark with x)			
	N/A <u>×</u>				
	Notes The Resp	ondent does not meet this violati		a for	
		CIIIS VIOIGC	10.11.		
			Viol	ation Subtotal	\$2,500
					42,300
nomic Benefit (EB) for	this violation		Statutory I	imit Test	
Estimat	ed EB Amount	\$59	Violation Fina	Penalty Total	\$2,500
	Thic	violation Final Asses	sad Danaltu (adius	tad for limite)	\$2,500
	11115	auon i mai A5565	sca renaity (adjus	ica for mines)[Ψ 2,300

		conomic	Dellell	440	IKSHEEL		
Respondent	City of Housto	n ("Facility 4")	*****************************	~~~	>> > > > > > > > > > > > > > > > > > >		***************************************
Case ID No.	41599						
eg. Ent. Reference No.	RN101948875	i				Bay Barry Bress	
	Petroleum Sto				4.		Years of
Violation No.		.				Percent Interest	Depreciation
riolation no.	-					5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
•							
Delayed Costs		¥*************************************		7			r
Equipment Buildings		[0.00	\$0 \$0	\$0 \$0	\$0 #0
Other (as needed)		4		0.00	\$0	\$U \$0	\$0 \$0
Engineering/construction		.		0.00	\$0 \$0	\$0 \$0	- 50 \$0
Land	2004			0.00	\$0	n/a	\$0 \$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	100			0.00	\$0	n/a	\$0
Remediation/Disposal		1		0.00	i \$0	n/a	50
Remediation/Disposal Permit Costs				0.00	\$0 \$0	n/a n/a	\$0 \$0
Permit Costs Other (as needed)	\$1,500 Estimated co	7-May-2011	20-Feb-2012 ase detection fo	0.00 0.79	\$0 \$59	n/a n/a	\$0 \$59
Permit Costs Other (as needed) Notes for DELAYED costs	Estimated co	ost to provide rele date and	ase detection f I the final date	0.00 0.79 or the t	\$0 \$59 UST system. The c estimated date of	n/a n/a late required is the compliance.	\$0 \$59 record review
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs	Estimated co	ost to provide rele date and	ase detection f I the final date	0.00 0.79 or the t is the c	\$0 \$59 UST system. The cestimated date of an item (except	n/a n/a late required is the compliance. for one-time avoid	\$0 \$59 record review ded costs)
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal	Estimated co	ost to provide rele date and	ase detection f I the final date	0.00 0.79 or the t is the c	\$0 \$59 UST system. The cestimated date of one item (except \$0	n/a n/a date required is the compliance, for one-time avoid	\$0 \$59 record review ded costs)
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated co	ost to provide rele date and	ase detection f I the final date	0.00 0.79 or the t is the e enterin 0.00 0.00	\$0 \$59 UST system. The cestimated date of one item (except \$0 \$0	n/a n/a n/a late required is the compliance. for one-time avoid \$0 \$0	\$0 \$59 record review ded costs) \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling	Estimated co	ost to provide rele date and	ase detection f I the final date	0.00 0.79 or the listhe e enterin 0.00 0.00	\$0 \$59 UST system. The cestimated date of or of the cestimated date of some section of the cestimated date of the	n/a n/a n/a late required is the compliance: for one-time avoid \$0 \$0 \$0	\$0 \$59 record review ded costs) \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment	Estimated co	ost to provide rele date and	ase detection f I the final date	0.00 0.79 or the I is the 6 enterir 0.00 0.00 0.00	\$0 \$59 UST system. The cestimated date of the control of the center of t	n/a n/a n/a late required is the compliance. for one-time avoid \$0 \$0 \$0 \$0 \$0	\$0 \$59 record review ded costs) \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel espection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated co	ost to provide rele date and	ase detection f I the final date	0.00 0.79 or the Us the Genterial 0.00 0.00 0.00 0.00	\$0 \$59 UST system. The constituted date of the system (except \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a n/a late required is the compliance. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$59 record review ded costs) \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated co	ost to provide rele date and	ase detection f I the final date	0.00 0.79 or the Us the G enterin 0.00 0.00 0.00 0.00 0.00	\$0 \$59 UST system. The cestimated date of so so so \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a late required is the compliance. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$59 record review ded costs) \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated co	ost to provide rele date and	ase detection f I the final date	0.00 0.79 or the Us the Genterial 0.00 0.00 0.00 0.00	\$0 \$59 UST system. The constituted date of the system (except \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a n/a late required is the compliance. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$59 record review ded costs) \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel repection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated co	ost to provide rele date and	ase detection f I the final date	0.00 0.79 or the Us the G enterin 0.00 0.00 0.00 0.00 0.00	\$0 \$59 UST system. The cestimated date of so so so \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a late required is the compliance. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$59 record review ded costs) \$0 \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated co	ost to provide rele date and	ase detection f I the final date	0.00 0.79 or the Us the G enterin 0.00 0.00 0.00 0.00 0.00	\$0 \$59 UST system. The cestimated date of so so so \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a late required is the compliance. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$59 record review ded costs) \$0 \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Personnel Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated co	ost to provide rele date and	ase detection f I the final date	0.00 0.79 or the Us the G enterin 0.00 0.00 0.00 0.00 0.00	\$0 \$59 UST system. The cestimated date of so so so \$0 \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a late required is the compliance. for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$59 record review ded costs) \$0 \$0 \$0 \$0 \$0 \$0

Penalty Calculation Worksheet (PCW) Policy Revision 2 (September 2002) PCW Revision October 30, 2008 Assigned 16-May-2011 Screening 20-May-2011 PCW 23-May-2011 EPA Due RESPONDENT/FACILITY INFORMATION Respondent City of Houston ("Facility 5" Reg. Ent. Ref. No. RN100217603 Facility/Site Region 12-Houston Major/Minor Source Minor CASE INFORMATION Enf./Case ID No. 41599 No. of Violations 1 Docket No. 2011-0699-PST-E Order Type 1660 Media Program(s) Petroleum Storage Tank Government/Non-Profit Yes Enf. Coordinator Wallace Myers Multi-Media EC's Team Enforcement Team 7 Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000 Penalty Calculation Section TOTAL BASE PENALTY (Sum of violation base penalties) \$2,500 ADJUSTMENTS (+/-) TO SUBTOTAL 1 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. Compliance History 23.0% Enhancement Subtotals 2, 3, & 7 \$575 Enhancement for twelve NOVs with dissimilar violations and reduction for Notes one Notice of Audit. 0.0% Enhancement Culpability No Subtotal 4 \$0 The Respondent does not meet the culpability criteria. Notes Good Faith Effort to Comply Total Adjustments Subtotal 5 \$0 0.0% Enhancement* Subtotal 6 Economic Benefit \$0 Total EB Amounts *Capped at the Total EB \$ Amount \$200 Approx. Cost of Compliance SUM OF SUBTOTALS 1-7 Final Subtotal \$3,075 OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% Adjustment \$0 Reduces or enhances the Final Subtotal by the indicated percentage. Notes

STATUTORY LIMIT ADJUSTMENT

Notes

PAYABLE PENALTY

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Deferral offered for expedited settlement.

Final Penalty Amount

Final Assessed Penalty

Reduction

20.0%

\$3,075

\$3,075

-\$615

\$2,460

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Screening Date 20-May-2011

Docket No. 2011-0699-PST-E

Respondent City of Houston ("Facility 5")

Case ID No. 41599

Reg. Ent. Reference No. RN100217603

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Wallace Myers

Component	ory Site Enhancement (Subtotal 2) Number of	Enter Number Here	Adjust
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	12	24% 0% 0% 0% 0% 0% -1%
	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria) Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government Convictions Any criminal convictions of this state or the federal government (number of counts) Emissions Chronic excessive emissions events (number of events) Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature,	denial of liability of this state or the federal government (number of judgements	0	0%
	0	0%	
Convictions		0	0%
Emissions	Chronic excessive emissions events (number of events)	e - 0	0%
		1	-1%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	Ple	ase Enter Yes or No	·
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
Outer	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
	Adjustment Per	centage (Sub	total 2
	Subtotal 3)	(0.1	
No pliance Histo	Adjustment Peropy Person Classification (Subtotal 7)	centage (Sub	totai 3,
Average Pe		centage (Sub	total 7
pliance Histo	ory Summary		
Compliance History Notes	Enhancement for twelve NOVs with dissimilar violations and reduction for one N	otice of Audit.	

Screening Date		PCW	
		vision 2 (September 2002)	
Case ID No. Reg. Ent. Reference No.		Revision October 30, 2008	
	Petroleum Storage Tank		
Enf. Coordinator			
Violation Number			
Rule Cite(s)	30 Tex. Admin. Code § 334.50(b)(1)(A) and (b)(2) and Tex. Water Code §		
	26.3475(a) and (c)(1)		
			Amer sair
	Failed to monitor USTs for releases at a frequency of at least once every month		
Violation Description	(not to exceed 35 days between each monitoring). Also, failed to provide proper		Minute of the Control
	release detection for the product piping associated with the UST system.		
	Dana Barah	+10.000	
	Base Penalt	ty\$10,000	
>> Environmental, Proper	ty and Human Health Matrix		et a
Release	Harm Major Mederate Minor	200	
OR Actual	Major Moderate Minor	20000000	v 4
Potential	x Percent 25%		
		200	
>>Programmatic Matrix	Major Mederato Minor		
Falsification	Major Moderate Minor Percent 0%		1.000 1.000 1.001 3 3
*			
Martin Umaa haabh	or the environment will or could be exposed to pollutants which would exceed leve		
	of the environment will or could be exposed to pollutarits which would exceed level of the violation.	10	e u di
			namental and a state of
	Adjustment \$7,50	501	
	7.110		
		\$2,500	
Violation Events			
		#####	
Number of \	iolation Events 1 1 Number of violation days	·	.**.
	daily	O. C. Year	
	weekly		: ·
mark only one	monthly		
with an x	quarterly Violation Base Penalt	ty \$2,500	
	semiannual annual annual		
,	single event		
One monthly	event is recommended based on documentation of the violation during the May 8,		
1,1111111111111111111111111111111111111	2011 record review to the May 20, 2011 screening date.		
<u>Linuing and a second a second and a second </u>			
Good Faith Efforts to Comp	**************************************	\$0	
A CONTRACTOR OF THE CONTRACTOR	Before NOV NOV to EDPRP/Settlement Offer Extraordinary		ger en en en en en
***************************************	Ordinary		
,	N/A x (mark with x)		
	Notes The Respondent does not meet the good faith criteria for this violation.		
		2007	
	Violation Subtota	al \$2,500	
Economic Benefit (EB) for	this violation Statutory Limit Test		
Estimate	d EB Amount \$200 Violation Final Penalty Tota	al \$3,075	
	November yet and a second yet and a second yet a second se		
	This violation Final Assessed Penalty (adjusted for limits	\$3,075	

		conomic	Benefit	Wol	rksheet		
Respondent	6333666666666666666333336665555			3599535699		11.00	
Case ID No.		,, (radina, 5)					
						and the second second	
ea. Ent. Reference No.							Years of
	Petroleum Sto	rage rank				Percent Interest	Depreciation
Violation No.	. 1					5.0	15
	Itam Cost	Date Required	Final Date	Vre	Interact Savad	Onetime Costs	EB Amount
		7	i mai Date		Anterest Sureu	Officering cooks	LD AIIIUUIN
Item Description	No commas or \$						
Delayed Costs	·	u i		0.00	\$0	l \$0	\$0
Equipment Buildings		4		0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)		1		0.00	\$0 \$0	\$0	\$0
Engineering/construction			38-11-38-1	0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	8-May-2011	20-Feb-2012	0.79	\$59	n/a	\$59
	3333443331111						
Notes for DELAYED costs		date an	d the final date	is the e	stimated date of		
Avoided Costs		date an	d the final date	is the e	estimated date of	compliance. for one-time avoid	ded costs)
Avoided Costs		date an	d the final date	s the e	stimated date of ig item (except \$0	compliance. for one-time avoid \$0	ded costs) \$0
Avoided Costs Disposal Personnel		date an	d the final date	nterin	stimated date of og item (except \$0 \$0	compliance. for one-time avoid \$0 \$0	ded costs) \$0 \$0
Avoided Costs Disposal Personnel pection/Reporting/Sampling		date an	d the final date	nterin 0.00 0.00 0.00	stimated date of square stimated date of square squ	for one-time avoid \$0 \$0 \$0 \$0	ded costs) \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Pection/Reporting/Sampling Supplies/equipment		date an	d the final date	nterin 0,00 0.00 0.00 0.00	stimated date of square	for one-time avoid 50 50 50 50 50	ded costs) \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel pection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANNUAL	date an	d the final date	enterin 0,00 0.00 0.00 0.00 0.00	stimated date of g item (except \$0 \$0 \$0 \$0 \$0	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$0	ded costs) \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel pection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		date an	d the final date	nterin 0,00 0.00 0.00 0.00	stimated date of square	for one-time avoid 50 50 50 50 50	ded costs) \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel pection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANNUAL	date an	d the final date	nterin 0,00 0,00 0,00 0,00 0,00 0,00 3,92	stimated date of g item (except \$0 \$0 \$0 \$0 \$0 \$23	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$118	ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$10 \$10 \$10
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	\$118	date an	d the final date costs before of the final date 8-May-2011	onterin 0.00 0.00 0.00 0.00 0.00 0.00 3.92 0.00	stimated date of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	for one-time avoid	ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	\$118	date an IZE [1] avoided 8-May-2008	d the final date costs before of the costs before the cost	enterin 0.00 0.00 0.00 0.00 0.00 0.00 3.92 0.00	stimated date of g item (except \$0 \$0 \$0 \$0 \$0 \$23 \$0 poing tightness tes	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$118 \$0	ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$10 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	\$118	date an IZE [1] avoided 8-May-2008	d the final date costs before of the costs before the cost	enterin 0.00 0.00 0.00 0.00 0.00 0.00 3.92 0.00	stimated date of g item (except \$0 \$0 \$0 \$0 \$0 \$23 \$0 poing tightness tes	for one-time avoid	ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$10 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	\$118	date an IZE [1] avoided 8-May-2008	d the final date costs before of the costs before the cost	enterin 0.00 0.00 0.00 0.00 0.00 0.00 3.92 0.00	stimated date of g item (except \$0 \$0 \$0 \$0 \$0 \$23 \$0 poing tightness tes	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$118 \$0	ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$10 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel spection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	\$118	date an IZE [1] avoided 8-May-2008	d the final date costs before of the costs before of the final date a. B. May-2011 ducting the trier ord review date	enterin 0.00 0.00 0.00 0.00 0.00 0.00 3.92 0.00	stimated date of g item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$23 \$0 poing tightness tes	for one-time avoid \$0 \$0 \$0 \$0 \$0 \$0 \$118 \$0	ded costs) \$0 \$0 \$0 \$0 \$0 \$0 \$10 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

٠. سيد, **Compliance History**

Customer/Respondent/Owner-Operator:

CN600128995

City of Houston

Classification:

Rating: 2.33

Regulated Entity:

PWE - Northeast Maintenance

AVERAGE Classification: AVERAGE

Site Rating: 0.75

RN102405321

Facility

73984

ID Number(s):

PETROLEUM STORAGE TANK

REGISTRATION

Location:

5500 N MCCARTY ST, HOUSTON, TX, 77013

TCEQ Region:

REGION 12 - HOUSTON

Date Compliance History Prepared:

May 06, 2011

REGISTRATION

Compliance Period:

May 06, 2006 to May 06, 2011

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name:

Wallace Myers

Agency Decision Requiring Compliance History: Enforcement

Phone:

512-239-6580

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period?

Yes

2. Has there been a (known) change in ownership/operator of the site during the compliance period?

No

3. If Yes, who is the current owner/operator?

N/A

4. If Yes, who was/were the prior owner(s)/operator(s)?

N/A

When did the change(s) in owner or operator occur?

N/A

Rating Date: 9/1/2010 Repeat Violator:

Components (Multimedia) for the Site:

Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government. A.

Any criminal convictions of the state of Texas and the federal government. B.

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

> 05/20/2006 (466028)

> 2 06/28/2006 (483106)

> 3 05/27/2008 (671478)

> 4 04/28/2011 (881133)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:

Citation:

05/20/2006

(466028)CN600128995

Classification: Moderate

Self Report? NO

30 TAC Chapter 115, SubChapter C 115.242(3)

Description:

Tex. Admin. Code Section 115.242 (3)(G) - Failure to maintain the Stage II vapor

recovery system in proper operating condition, as specified by the manufacturer and/or any applicable CARB Executive Order(s), and free of defects that would impair the effectiveness of the system, including vapor return lines, including s

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

Compliance History

Customer/Respondent/Owner-Operator:

CN600128995

City of Houston

Classification: **AVERAGE**

Rating: 2.33

Regulated Entity:

RN102459492

PWE Fleet Maintenance Facility

Classification: AVERAGE

Site Rating: 0.75

Gillette West

33502

ID Number(s):

PETROLEUM STORAGE TANK

REGISTRATION

REGISTRATION

801 GILLETTE ST, HOUSTON, TX, 77019

TCEQ Region:

Location:

REGION 12 - HOUSTON

Date Compliance History Prepared:

May 06, 2011

Agency Decision Requiring Compliance History: Enforcement

Compliance Period:

May 06, 2006 to May 06, 2011

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name:

Wallace Myers

Phone:

512-239-6580

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period?

2. Has there been a (known) change in ownership/operator of the site during the compliance period?

No

3. If Yes, who is the current owner/operator?

N/A

4. If Yes, who was/were the prior owner(s)/operator(s)?

N/A

5. When did the change(s) in owner or operator occur?

N/A

Rating Date: 9/1/2010 Repeat Violator:

Components (Multimedia) for the Site:

Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government. A.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

The approval dates of investigations. (CCEDS Inv. Track. No.) D.

> 1 07/24/2006 (487680)

> 2 08/30/2006 (510331)

> 3 02/17/2009 (727040)

> 4 04/26/2011 (881093)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:

07/24/2006

(487680)CN600128995

Self Report? NO

Classification: Moderate

Citation: Description: 30 TAC Chapter 115, SubChapter C 115.242(3)

30 Tex. Admin. Code Section 115.242 (3)(G) - Failure to maintain the Stage II

vapor recovery system in proper operating condition, as specified by the manufacturer and/or any applicable CARB Executive Order(s), and free of defects that would impair the effectiveness of the system, including vapor return lines, includin

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

Compliance History

Customer/Respondent/Owner-Operator:

CN600128995

City of Houston

Classification: AVERAGE

Rating: 2.33

Regulated Entity:

RN100535699

SWM - SW Service Center

Classification: AVERAGE BY DEFAULT

Site Rating: 3.01

ID Number(s):

USED OIL

REGISTRATION

C81517

. . .

PETROLEUM STORAGE TANK

K REGISTRATION

65672

. F

REGISTRATION

PERMIT

65672

Location:

UNDERGROUND INJECTION CONTROL 11500 S POST OAK RD, HOUSTON, TX, 77035 5X2500094

TCEQ Region:

REGION 12 - HOUSTON

Date Compliance History Prepared:

May 23, 2011

Agency Decision Requiring Compliance History:

Enforcement

Compliance Period:

May 20, 2006 to May 20, 2011

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name:

Wallace Myers

Phone:

512-239-6580

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period?

Yes

2. Has there been a (known) change in ownership/operator of the site during the compliance period?

Νo

3. If Yes, who is the current owner/operator?

N/A

4. If Yes, who was/were the prior owner(s)/operator(s)?

N/A

5. When did the change(s) in owner or operator occur?

N/A

3. Rating Date: 9/1/2010 Repeat Violator:

NO

Components (Multimedia) for the Site:

Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

The approval dates of investigations. (CCEDS Inv. Track. No.)

1 05/07/2011

(880794)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

N/A

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

Compliance History CN600128995 City of Houston Customer/Respondent/Owner-Operator: Classification: AVERAGE Rating: 2.33 Regulated Entity: RN101948875 PWE - Wastewater Japhet Classification: HIGH Site Rating: 0.00 PETROLEUM STORAGE TANK REGISTRATION 33524 ID Number(s): REGISTRATION INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # 77709 (SWR) INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD988057139 AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG44000 Location: 100 JAPHET ST, HOUSTON, TX, 77020 TCEQ Region: **REGION 12 - HOUSTON** Date Compliance History Prepared: May 23, 2011 Agency Decision Requiring Compliance History: Enforcement Compliance Period: May 20, 2006 to May 20, 2011 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History Name: Wallace Myers Phone: 512-239-6580 **Site Compliance History Components** 1. Has the site been in existence and/or operation for the full five year compliance period? Yes 2. Has there been a (known) change in ownership/operator of the site during the compliance period? ... No 3. If Yes, who is the current owner/operator? N/A 4. If Yes, who was/were the prior owner(s)/operator(s)? N/A 5. When did the change(s) in owner or operator occur? N/A Rating Date: 9/1/2010 Repeat Violator: NO Components (Multimedia) for the Site: Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government. N/A

В. Any criminal convictions of the state of Texas and the federal government.

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

03/10/2008

(638103)

05/07/2011

(880561)

Written notices of violations (NOV). (CCEDS Inv. Track. No.) E.

N/A

F. Environmental audits.

G. Type of environmental management systems (EMSs).

Voluntary on-site compliance assessment dates.

Participation in a voluntary pollution reduction program.

J. Early compliance. N/A Sites Outside of Texas

N/A

Compliance History

Customer/Respondent/Owner-Operator: CN600128995 City of Houston Classification: AVERAGE Rating: 2.33 Regulated Entity: RN100217603 PWE - WWTP 69th Street Classification: AVERAGE Site Rating: 13.65 ID Number(s): AIR OPERATING PERMITS ACCOUNT NUMBER HG01440 AIR OPERATING PERMITS **PERMIT** 1586 AIR NEW SOURCE PERMITS **PERMIT** 5245 AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG01440 AIR NEW SOURCE PERMITS AFS NUM 4820100343 WASTEWATER PERMIT WQ0010495090 WASTEWATER EPA ID TX0096172 INDUSTRIAL AND HAZARDOUS WASTE TXD988079059 **EPAID** INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # 79631 (SWR) STORMWATER **PERMIT** TXR05K229 WASTEWATER LICENSING LICENSE WQ0010495090 PETROLEUM STORAGE TANK REGISTRATION 64863 REGISTRATION AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG01440 Location: 2525 SSGT MACARIO GARCIA DR, HOUSTON, TX, 77020 TCEQ Region: **REGION 12 - HOUSTON** Date Compliance History Prepared: May 23, 2011 Agency Decision Requiring Compliance History: Enforcement Compliance Period: May 20, 2006 to May 20, 2011 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History Name: Wallace Myers 512-239-6580 Phone: **Site Compliance History Components** 1. Has the site been in existence and/or operation for the full five year compliance period? 2. Has there been a (known) change in ownership/operator of the site during the compliance period? No 3. If Yes, who is the current owner/operator? N/A 4. If Yes, who was/were the prior owner(s)/operator(s)? N/A 5. When did the change(s) in owner or operator occur? N/A Rating Date: 9/1/2010 Repeat Violator: NO Components (Multimedia) for the Site: Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government. B. Any criminal convictions of the state of Texas and the federal government. C. Chronic excessive emissions events. N/A D The approval dates of investigations. (CCEDS Inv. Track. No.) 08/30/2006 1 (450011)2 06/22/2006 (482695)3 12/08/2006 (532270)08/06/2007 4 (555498)

5

6

7

8

06/11/2007

07/09/2007

02/21/2007

03/21/2007

09/05/2006

(561522)

(565809)

(587251)

(587254)

(587256)

10	04/25/2007	(587257)
11	05/25/2006	(587259)
12	05/21/2007	(587260)
13	09/05/2006	(587261)
14	09/05/2006	(587263)
15	06/25/2007	(587264)
16	09/05/2006	(587266)
17	09/05/2006	(587268)
18	09/21/2006	(587270)
19	09/05/2006	(587271)
20	10/23/2006	(587272)
21	11/21/2006	(587274)
22	12/21/2006	(587276)
23	09/05/2006	(587277)
24	01/22/2007	(587278)
25	09/05/2007	(608577)
26	08/21/2007	(608578)
27	09/20/2007	(608579)
28	07/21/2008	(686113)
29	02/13/2009	(722097)
30	06/22/2009	(748905)
31	08/26/2010	(803084)
32	12/15/2010	(873568)
33	05/08/2011	(880816)
34	03/15/2011	(891250)
35	03/16/2011	(900748)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

05/31/2006 (587263)Date: CN600128995 Self Report? YES Classification: Moderate 30 TAC Chapter 305, SubChapter F 305.125(1) Citation: TWC Chapter 26 26.121(a) Description: Failure to meet the limit for one or more permit parameter Date: 06/30/2006 (587266)CN600128995 Self Report? Classification: Moderate Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a) Failure to meet the limit for one or more permit parameter Description: 08/30/2006 (450011) CN600128995 Date: NO Self Report? Classification: Moderate 30 TAC Chapter 122, SubChapter B 122.144(1)(C) Citation: 30 TAC Chapter 122, SubChapter B 122.144(3) 40 CFR Chapter 61, SubChapter C, PT 61, SubPT A 61.14 5C THC Chapter 382, SubChapter A 382.085(b) O-01586 OP Description: Substantial Incompletion of the Mercury Sludge Analysis Report. 11/30/2006 (587276)CN600128995 Date: Self Report? Classification: Moderate 30 TAC Chapter 305, SubChapter F 305.125(1) Citation: TWC Chapter 26 26.121(a) Failure to meet the limit for one or more permit parameter Description:

Citation:

Self Report?

Date:

30 TAC Chapter 305, SubChapter F 305.125(1)

(587251)

CN600128995

Classification:

Moderate

TWC Chapter 26 26.121(a)

01/31/2007

YES

Description: Failure to meet the limit for one or more permit parameter

Date 07/31/2007 (608578)CN600128995

Self Report? Classification: Moderate

2D TWC Chapter 26, SubChapter A 26.121(a) Citation:

30 TAC Chapter 305, SubChapter F 305.125(1) Description: Failure to meet the limit for one or more permit parameter

Date 02/17/2009 (722097)CN600128995

Self Report? NO Classification: Moderate

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

30 TAC Chapter 305, SubChapter F 305.125(4)

TPDES Permit No. 10495-090 PERMIT

Description: Failure to properly operate and maintain the wastewater treatment plant (WWTP).

Self Report? NO Classification: Moderate 30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

Description: Failure to calibrate the Outfall 002 flow meter

Date 08/26/2010 (803084)CN600128995

Self Report? Classification: Moderate

30 TAC Chapter 118 118.5 Citation:

5C THSC Chapter 382 382.085(b) Description: Failure to prepare and maintain an emission reduction plan within six months of the effective

date of the section (March 5, 2000). (Category B3)

Self Report? NO Classification:

Citation: 30 TAC Chapter 122, SubChapter B 122.143(4)

5C THSC Chapter 382 382.085(b)

Special Term and Conditions 3(A)(iii)(1) OP Failure to conduct a quarterly visible emission observation for flash dryer, EPN S-3, during Description:

the first quarter of 2009. (Category C3)

Date 03/15/2011 (891250)CN600128995

TPDES Permit No. WQ0010495090 PERMIT

30 TAC Chapter 305, SubChapter F 305.125(1)

Citation:

Description:

Self Report? Classification: Moderate

30 TAC Chapter 305, SubChapter F 305.125(1) Citation:

Description: Failed to ensure flow measurement accuracy.

Self Report? NO Classification: Moderate

TPDES Permit No. WQ0010495090 PERMIT

Failure to remove all of the solids from the Northside Wet Weather Facility (NWWF) within 48 Description:

hours of the last discharge event.

NO Self Report? Classification: Minor Citation: 30 TAC Chapter 305, SubChapter F 305,125(5)

Failed to maintain the pumps at the onsite lift station. Description: Self Report? NO Classification: Moderate

30 TAC Chapter 305, SubChapter F 305,125(5) Citation:

Failed to maintain the clairifier. Description: (900748) CN600128995 Date 03/16/2011

NO Classification: Self Report? Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)

Failure to prevent the unathorized discharge of wastewater. Date 04/06/2011 (894521)CN600128995

Classification: Self Report? Minor

30 TAC Chapter 305, SubChapter F 305.125(1) Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)

Description: Failure to submit accurate noncompliance notification for sanitary sewer overflows (SSOs). A

review of daily excursion reports submitted by the city from January 10, 2011 through February 10, 2011 indicated that the city was not reporting the correct volumes of SSOs, the correct flow routes of SSOs, and that some reports simply indicated that the excursions were

ongoing without follow-up actions being reported.

NPDES Permit No. 10495090, MRR, No. 7 PERMIT

Date 04/13/2011 CN600128995 (908273)Classification: Self Report? NO Major

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

2D TWC Chapter 26, SubChapter A 26.121(a)(1)

TWC Chapter 26 26.121 Description: Failure to prevent the unauthorized discharge of wastewater from the collection system. Environmental audits.

Notice of Intent Date: 10/15/2007

(599301)

No DOV Associated

G. Type of environmental management systems (EMSs).

N/A

Voluntary on-site compliance assessment dates.

Participation in a voluntary pollution reduction program. l.

J. Early compliance.

N/A

Sites Outside of Texas

N/A



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	
CITY OF HOUSTON	§	TEXAS COMMISSION ON
RN102405321; RN102459492;	§	
RN100535699; RN101948875;	§	
AND RN100217603	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2011-0699-PST-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Houston ("the Respondent") under the authority of Tex. Water Code chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

- 1. The Respondent owns and operates the following five fleet service facilities (collectively referred to as the "Facilities"):
 - a. PWE Northeast Maintenance Facility, RN102405321, ("Facility 1"), located at 5500 North McCarty Street, Houston, Harris County, Texas, has two in-service underground storage tanks ("USTs");
 - b. PWE Fleet Maintenance Facility Gillette West, RN102459492, ("Facility 2"), located at 801 Gillette Street, Houston, Harris County, Texas, had seven out-of-service USTs;
 - c. SWM SW Service Center, RN100535699, ("Facility 3"), located at 11500 South Post Oak Road, Houston, Harris County, Texas, has six in-service USTs;
 - d. PWE Wastewater Japhet, RN101948875, ("Facility 4"), located at 100 Japhet Street, Houston, Harris County, Texas, has five in-service USTs; and
 - e. PWE WWTP 69th Street, RN100217603, ("Facility 5"), located at 2525 Staff Sergeant Macario Garcia Drive, Houston, Harris County, Texas, has one inservice UST and one temporarily out-of-service UST.

- 2. The Respondent's twenty-two USTs are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission.
- 3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about May 1, 2011, May 3, 2011, May 12, 2011, and May 13, 2011.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Fourteen Thousand Four Hundred Seventy-Five Dollars (\$14,475) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Eleven Thousand Five Hundred Eighty Dollars (\$11,580) of the administrative penalty and Two Thousand Eight Hundred Ninety-Five Dollars (\$2,895) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that the Respondent temporarily removed the USTs from service at Facility 2 on December 30, 2010.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facilities, the Respondent is alleged to have:

1. At Facility 1:

- a. Failed to monitor USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring), in violation of 30 Tex. ADMIN. CODE § 334.50(b)(1)(A) and Tex. WATER CODE § 26.3475(c)(1), as documented during a record review conducted on April 28, 2011.
- b. Failed to provide proper release detection for the product piping associated with the UST system, in violation of 30 Tex. Admin. Code § 334.50(b)(2) and Tex. Water Code § 26.3475(a), as documented during a record review conducted on April 28, 2011.

2. At Facility 2:

a. Failed to monitor USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring), in violation of 30 Tex. ADMIN. CODE § 334.50(b)(1)(A) and Tex. WATER CODE § 26.3475(c)(1), as documented during an investigation conducted on August 3, 2010.

3. At Facility 3:

a. Failed to monitor USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring), in violation of 30 TEX. ADMIN. CODE § 334.50(b)(1)(A) and TEX. WATER CODE § 26.3475(c)(1), as documented during a record review conducted on May 7, 2011.

4. At Facility 4:

a. Failed to monitor USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring), in violation of 30 Tex. ADMIN. CODE § 334.50(b)(1)(A) and Tex. WATER CODE § 26.3475(c)(1), as documented during a record review conducted on May 7, 2011.

5. At Facility 5:

- a. Failed to monitor USTs for releases at a frequency of at least once every month (not to exceed 35 days between each monitoring), in violation of 30 Tex. ADMIN. CODE § 334.50(b)(1)(A) and Tex. Water Code § 26.3475(c)(1), as documented during a record review conducted on May 8, 2011.
- b. Failed to provide proper release detection for the product piping associated with the UST system, in violation of 30 Tex. Admin. Code § 334.50(b)(2) and Tex. Water Code § 26.3475(a), as documented during a record review conducted on May 8, 2011.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Houston, Docket No. 2011-0699-PST-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order:
 - i. Install and implement a release detection method for the USTs at Facilities 1, 3, 4 and 5, in accordance with 30 TEX. ADMIN. CODE § 334.50;
 - ii. Install and implement a release detection method for the piping associated with the USTs at Facilities 1 and 5, in accordance with 30 Tex. ADMIN. CODE § 334.50; and
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i. through 2.a.ii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087 City of Houston DOCKET NO. 2011-0699-PST-E Page 5

with a copy to:

Waste Section Manager Houston Regional Office Texas Commission on Environmental Quality 5425 Polk Avenue, Suite H Houston, Texas 77023-1486

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facilities' operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- This Agreed Order may be executed in separate and multiple counterparts, which 7. together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

City of Houston DOCKET NO. 2011-0699-PST-E Page 6

8. Under 30 Tex. Admin. Code § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission		
For the Executive Director	16-24-11 Date	

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions;
 and
- TCEO seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature -

Name (Printed or typed)

Authorized Representative of

City of Houston

Date

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.